

AO 91 (Rev. 11/11) Criminal Complaint

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## UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

ESHON DARNELL TOINS,

Defendant.

Case: 4:19-mj-30407

Judge: Davis, Stephanie Dawkins

Filed: 07-31-2019

CMP USA v ESHON DARNELL TOINS (TH)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 27, 2019 in the county of Genesee in the  
Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. sec. 922(g)(1)

Offense Description


Felon in Possession of a Firearm

This criminal complaint is based on these facts:

Please see attached Affidavit

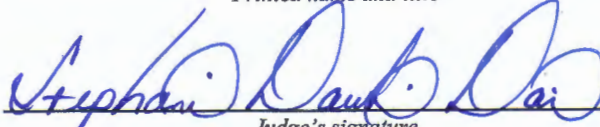
☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: July 31, 2019City and state: Flint, Michigan  
Complainant's signature

DUSTIN HURT, Special Agent ATF

Printed name and title

  
Judge's signature

STEPHANIE DAWKINS DAVIS, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT**

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for approximately ten months. I am currently assigned to the Detroit Field Division, Flint Field Office. Before working for the ATF, I was employed by the Michigan Department of State Police (MSP) for approximately seven years. Before working for the Michigan State Police, I was a local police officer for the Grand Ledge Police Department for approximately three years. I held numerous positions with the MSP, including Detective Sergeant in the Polygraph Unit and Task Force Officer with the FBI. During my employment with ATF and MSP, I have conducted or participated in numerous criminal investigations focused on firearms, armed drug trafficking, and criminal street gangs, and other violations of federal law.

2. I make this affidavit from personal knowledge based on my participation in this investigation, my review of reports and other materials prepared by those who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. I am currently investigating ESHON DARNELL TOINS, date of birth XX/XX/1998, for violations of 18 U.S.C. § 922(g)(1), possession of a firearm by a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

4. On July 27, 2019, at approximately 2100 hours, Flint Police officers responded to a complaint of shots fired near Northwestern High School located at 2138 W. Carpenter Rd, Flint, MI 48505.

5. Officers Scott and White canvassed the area near Northwestern High School. Near the intersection of Cranwood Drive and West Bundy Avenue officers observed a group of individuals walking southbound on Cranwood Drive. The officers could overhear one of the individuals stating, "Ya'll are some fucking frauds. I could have got shot. They were shooting at us." Officers then observed one of the individuals, later identified as Eshon Darnell TOINS, concealing a pistol in a multi-colored "fanny pack" which he was wearing. Officer Scott exited the patrol vehicle from the front passenger seat in order to make contact with TOINS who was talking on a cell phone. As Officer Scott approached TOINS, TOINS turned around and fled on foot running north on Cranwood Drive.

6. Officer Scott gave verbal commands of "POLICE STOP," but TOINS disregarded the orders. Officer Scott pursued TOINS on foot as he turned eastbound



behind 6912 Cranwood Drive. Officer Scott observed TOINS reaching into his “fanny pack” while he was in pursuit and again gave verbal commands of, “POLICE STOP.” TOINS disregarded the commands for a second time and continued fleeing on foot while reaching into his “fanny pack” with his right hand. TOINS fled behind a home at 6912 Cranwood Drive and Officer Scott observed him throw a pistol and the cell phone he was using behind the home with his right hand. TOINS continued to flee on foot eastbound jumping over numerous fences.

7. Officer Scott stopped pursuing TOINS in order to secure the cell phone and the pistol, which was a Glock, Model 17, 9mm caliber semiautomatic handgun with the serial number BDE147. The pistol had a fully loaded seventeen (17) round magazine contained within the magazine well and one (1) round in the chamber. After securing the evidence, Officer Scott began checking the area for TOINS. Officer Scott located TOINS hiding in tall grass approximately two (2) houses northeast from 6912 Cranwood Drive. As Officer Scott approached TOINS, TOINS got up and fled westbound from the location on foot.

8. Soon after, other Flint police officers located TOINS in the 6800 block of Cranwood Drive and successfully took him into custody. A search of TOINS incident to arrest yielded a thirty-one (31) round magazine inside his “fanny pack.”

9. A law enforcement database search indicated that the Glock pistol was reported stolen out of Flint, Michigan.

10. A criminal history check on TOINS indicated that he was previously convicted in Genesee County Circuit Court on November 8, 2017, of using a computer to commit a crime, which is a felony offense punishable by a term of imprisonment which exceeds one year. TOINS is also on supervision under the Holmes Youthful Training Act (HYTA), for a HYTA-deferred conviction in Genesee County Circuit Court for carrying a concealed weapon.

11. I have spoken with ATF Special Agent Jonathan Wickwire, who is recognized by ATF as an expert in the interstate nexus of firearms. SA Wickwire advised me that the Glock, model 17, 9mm semiautomatic handgun was manufactured outside of the state of Michigan, and the above-described firearm is a firearm as defined in Chapter 44, Title 18, United States Code.

12. On July 29, 2019, Officer Scott interviewed TOINS at the Flint Police Department Criminal Investigations Bureau. Officer Scott read TOINS his Miranda rights, and TOINS agreed to waive his rights and speak. TOINS explained that his younger brother called him to Northwestern High School because he alleged someone was shooting at him. TOINS denied knowledge of who was shooting at his brother. TOINS denied shooting his firearm at Northwestern High School. TOINS

explained that he ran from the police because he knew he was on probation and he admitted possession of the firearm. TOINS advised he had the gun in order to protect his brother from the people who may have been shooting at him.

13. Based on the foregoing, I have probable cause to believe that on July 27, 2019, in the Eastern District of Michigan, ESHON DARNELL TOINS, knowing that he had been convicted of a felony punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, in violation of 18 U.S.C. § 922(g)(1).

Dated July 31, 2019.

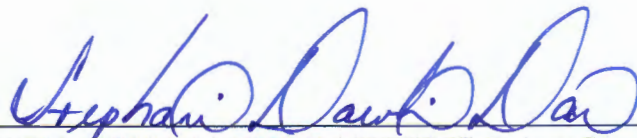


DUSTIN HURT

Special Agent

Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means  
on July 31, 2019.



HON. STEPHANIE DAWKINS DAVIS

United States Magistrate Judge